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ABSTRACT

A handbook for Arizona Native Americans under 18 years old explains rights and responsibilities as young people, Native Americans, tribal members, and residents of Arizona. Rights are defined, ways of protecting rights outlined, and the fact that young people's rights are changing noted. Rights as a family member are discussed, as well as changes in family structure, adoptions, step-parents, and leaving home. A section on education covers rights as a student, Bureau of Indian Affairs boarding schools, special education, school discipline, suspension, expulsion, and constitutional rights. "Youth and the Criminal Justice System" outlines legal rights of juveniles, arrest procedures, and hearings and appeals. Health care rights and the Indian Health Service are discussed. Employment rights of young people are explained, including minimum wages, hours and kinds of work, exceptions to child labor laws, job discrimination, rights to wages, workmen's compensation, unemployment compensation, and social security. Other rights and privileges noted concern marriage, driver's licenses, bicycles, glue sniffing, alcoholic beverages, gambling, traffic violations, firearms, hunting, fishing, tobacco, voting, draft registration, lawsuits, obscene materials, name changes, curfews, and contracts. Arizona agencies (12) which can help young people are listed and described. Federal regulations on students rights and due process are appended. (MH)

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YOUR RIGHTS:

A Handbook for Native American Youth in Arizona

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YOUR RIGHTS:

A Handbook for Native American Youth in Arizona

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INTRODUCTION

The purpose of this handbook is to explain some of your rights and responsibilities as a young person, as a Native American, as a tribal member and as a resident of Arizona.

In the following pages you will learn that your rights are not the same as an adult's rights. You will learn that the rights of young people are changing, and that **your** rights and obligations as a Native American can be different from those of other young people.

As a Native American growing up in Arizona, you have individual rights which come from three different places. First of all, you have rights as a citizen of the United States. You also have rights which come from your status as a member of an Indian tribe. Finally, you have rights as a resident of Arizona. This handbook explains many of your rights as a young Native American living in Arizona. **In order to protect your rights, you need to know what they are.** This handbook answers many questions you might have.

Sometimes Tribal and State laws are the same and sometimes they are different. While you are on a reservation, the laws established by the Tribal government apply to you. When you are off the reservation, the state laws apply to you.

Young people's rights are changing and you must keep up with what's happening. There are answers to most problems and there are ways to solve most of them. The first step is to know your rights. Then you will know whether they are being respected or whether you will need to find a way to protect them.

A WORD OF EXPLANATION

This booklet uses the words "young people" to mean all persons who are not adults. Young people include youth, children, kids and anyone who is not "of legal age"—or under 18 years of age. This booklet is also limited in its discussion on education to young people in high school and below.

WHAT IS MEANT BY RIGHTS?

All young people living in Arizona and on reservations have certain responsibilities and protections or benefits that come from the fact that you live here. Responsibilities also come from the fact that you are a member of an Indian Tribe. These protections and benefits are usually called **Rights**. Rights apply to young persons as well as adults. It is very important to understand what your rights are and where they come from.

For all young residents of Arizona, rights come from several places—**laws** passed by the Arizona State Legislature and by the United States Congress in Washington as well as from the Constitution, Tribal Councils and treaties.

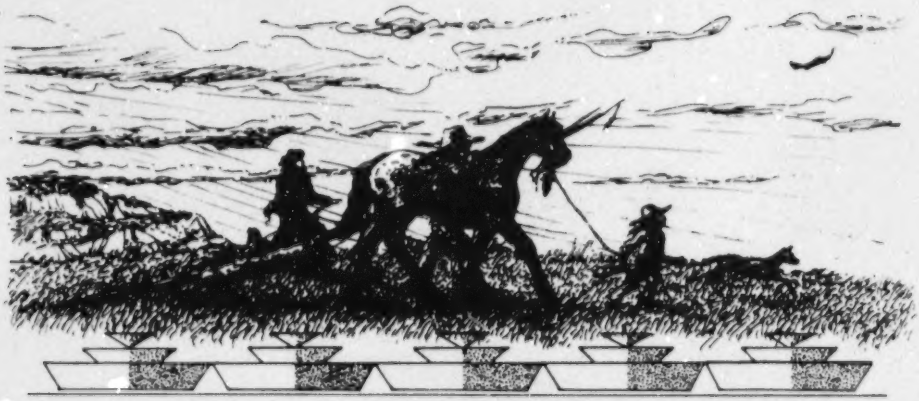
Native American young people are protected by rights that come from other places. Your tribe has unwritten laws and traditions handed down from generation to generation.

All of these laws are enforced by Tribal, local, federal and state organizations. These include the Tribal Councils, Bureau of Indian Affairs, the Indian Health Service, the School District, the juvenile Court, the State Welfare Department, the State Motor Vehicle Division and the Police Department. Government organizations will often make rules you may need to know. They use these rules to carry out their duties. Each organization must carry out its duties **fairly.**

The **Courts** may be asked to solve disputes between two or more people. Their job is to decide how the law should be applied and explain what the law means in cases where it is not clear.

PROTECTING YOUR RIGHTS

It may not be enough to know that you are being treated unfairly. If your rights are not being respected, you must learn how to correct this. You may find that you cannot stop a person or organization from violating your rights by yourself. You may need an **advocate**--someone to help you and speak for you. This person might be a member of your family, someone from your tribe, a teacher or a lawyer. You also may ask for help from some of the community agencies listed in the back of this book—like the Phoenix Indian Center, the Indian Youth Advocacy Project or Child Protective Service of the State of Arizona. Many of the agencies listed can assist you in protecting your rights or find a qualified person to help you. Finally, you may need to go to court to protect your rights. Then, you probably will need a lawyer.



YOUR RIGHTS AS A YOUNG PERSON ARE CHANGING

In the past, young people were considered to be the property of their parents. They couldn't make any decisions for themselves. Others would decide things for them and sometimes their decisions were not in their best interests. Recently laws were passed to provide more protection from abuse, injury or unfairness. Young people have gained some of the rights of adults. For example, the right to a lawyer in a juvenile delinquency case, the right to free speech and to privacy. So now, although you don't have all of the rights of an adult, you share some of the same rights. You also have some new responsibilities. In the following pages you will learn what these rights and responsibilities are, and how they are changing—at home, in school and at a job.

YOUR RIGHTS AS A MEMBER OF A FAMILY

Most of us grow up in a family. We may be raised by one or both of our parents, foster parents, grandparents or relatives, or by a guardian. Although, we may not know it, a family is a legal entity or group. Parents have a **legal responsibility to care** for their children until they become adults. The children have certain legal responsibilities too, like accepting their parents' authority. Here are some examples:

Clothes—your parents must provide you with "adequate" clothes although they need not be new or the latest fashions.

Shelter—You are entitled to a suitable place to live. Your parents may decide where that will be.

Food—Your parents must give you enough nutritious food to keep you healthy.

Education—Your parents may choose where you go to school. However, in Arizona if you are between the ages of 8 and 16 years, your parents or guardian **must** send you to school. There are several exceptions. The exceptions are:

You may be taught by a teacher at home.

You may attend a private or church school.

You may be taught by a homebound teacher if you are too ill to attend class.

The school must allow you to attend if you are between 6 and 21. If the school has a kindergarten, a child may attend at age 5. You cannot be absent from school without your parents' permission.

Just as your parents have responsibilities to look after you, you have a responsibility to obey their reasonable authority. They may require you to respect Tribal traditions and values. They may require that you do chores, attend religious gatherings and carry out other reasonable requests. Your parents may decide about your curfew, friends, and recreational activities. They can decide when you will learn to drive a car, date, and have a part-time job, how you spend your money and what you may read or see at the movies.

Discipline and Punishment—In Arizona, your parents may use what the law calls "reasonable and appropriate physical force" to discipline you. If discipline is carried to the extreme, it is possible that they could be charged with child

abuse or with a crime. The discipline would have to be very harsh before this happens.

Abuse and Neglect—Abuse means causing physical or mental injury, or exploiting or overworking you to the point where your health or well being is in danger. Parents who abuse their children can be brought to court. They may also be taken to court if they subject you to sexual abuse or let someone else abuse you sexually. If your parents abandon you, leave you without making arrangements for your care, they may also be brought to court.

In case you are abused or neglected, there are things you can do. The best thing to do is speak to an adult you trust, a relative, someone from your tribe, a school counselor, or a friend. If you are a member of a tribe, under a new Federal law, the **Indian Child Welfare Act**, Tribal Courts have authority to protect you.

If your problems are serious, you or any other member of your family can turn for help to someone outside the family. You can contact the State of Arizona's Department of Economic Security Child Protective Service, or a social worker or counselor employed by your Tribe. They can sometimes help with family problems, find a place for you to live in a crisis situation, investigate abuse and neglect, and counsel individual members of the family. When there are difficulties at home and the family can't work out the problem, a young person may be temporarily placed with a relative or foster family until the situation at home improves. This is known in Arizona as **Voluntary Placement**.

When parents feel they cannot control their children, they may seek assistance through the juvenile court by claiming the young person is **Incorrigible**. The term means a young person under 18 who refuses to obey the reasonable authority of his/her parent, who is beyond the control of his/her parent, is regularly absent from school, or who runs away from home. For example: If the court decides that you are "incorrigible," the court may place you back with your parents, put you under the supervision of the probation department, place you in a public or private agency or place you with a relative or some other responsible person.

Often, the court acts to protect a young person who has tried to live on the street or away from home because of problems such as sexual abuse, alcoholism, fighting or drug abuse. Many young people find that there are more problems on the streets—like crime, no food, no clothing and no place to sleep.

LEAVING HOME

If you are thinking about leaving home to stay with friends, move in with neighbors, a boyfriend or girlfriend or just hit the road, there are some things you should know. You should remember that your friend or neighbor is not required to feed you, give you a place to sleep or in any way look after you. They may not be able to enroll you in school, give you permission to work, obtain a driver's license or help you with health problems. Most of the time, only your parents can consent to medical care and dental care for you. Your neighbor or friend could get into difficulty and be sued by your parents for keeping you or giving you inadequate or inappropriate care. Because your parents have the right to decide where you live, it is best to get their permission before you go to live with a friend. Remember, in Arizona, you may not leave home without your parents' permission until you are 18.

CHANGES IN FAMILY STRUCTURE

If your parents don't get along they may get separated or divorced. Your parents may obtain a divorce or separate through Tribal or State Court. The Court will decide which parent you will live with. **You should tell the court who you want to live with**. The court should consider your wishes. The court may allow **joint custody** which allows you to live with one of your parents for part of the time and with the other parent for the rest of the time. Regardless of the custody arrangement, you have a right to adequate support for your clothing, housing, food, education and health. If one of your parents is granted custody, your other parent will be given the right to visit you unless the court finds that such visits will seriously endanger you. The court can appoint a lawyer to represent you concerning your financial support, custody and visitation rights.

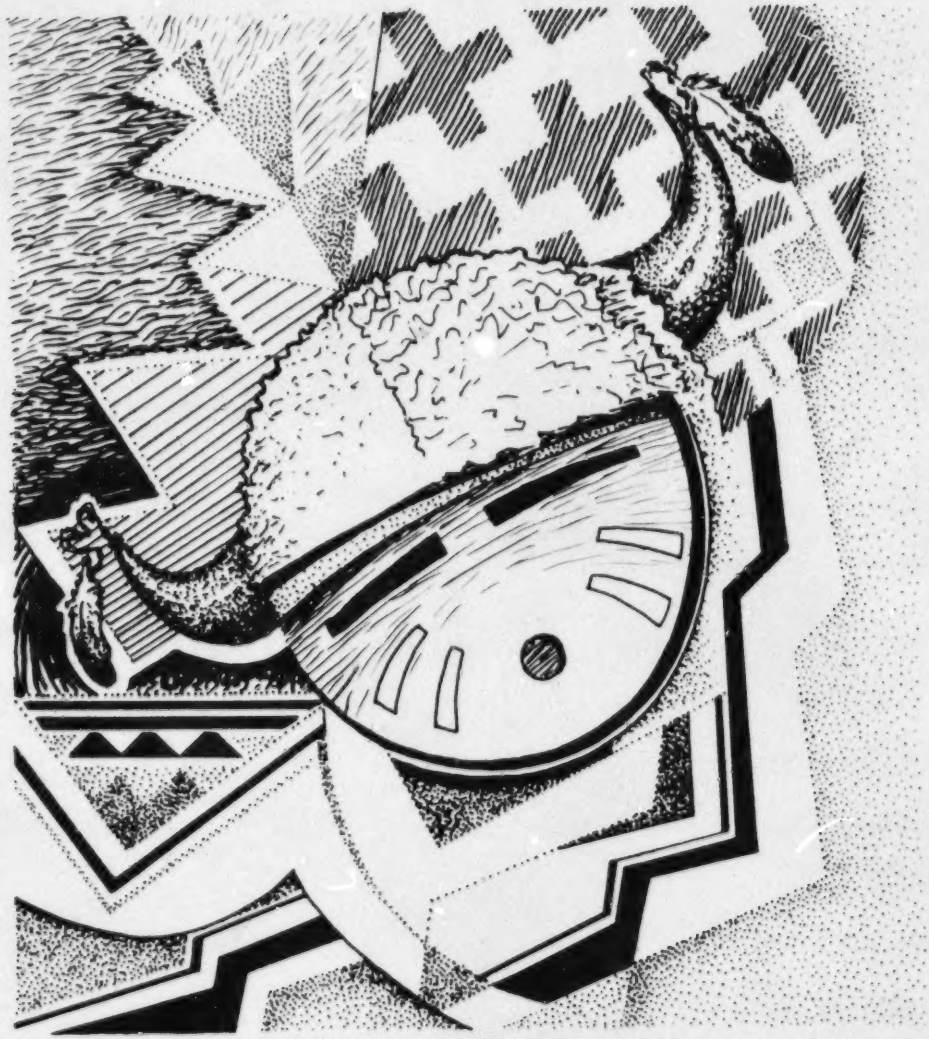
ADOPTIONS

Adoptions occur in several situations such as when parents die or when a mother or father cannot care for the child. Any child under 18 may be adopted in state courts. Any adult resident of Arizona, married or not, may adopt. If you are 12 or older, you **must** consent to your adoption. The adoption must be approved by the court. Once you are adopted, your legal relationship to your natural parents ends. Your adoptive parents assume all legal responsibilities.

Adoptions also occur in Tribal Court where any child who is a member of the tribe may be adopted. It is very important to remember that under the **Indian Child Welfare Act** you do not give up your tribal heritage and status as a member of your Tribe when you are adopted.

If you have been adopted, even by non-Indian parents, you still have the right to get the information necessary to get enrolled in your tribe. Under the **Indian Child Welfare Act**, the court which signed your adoption decree has to tell you which Tribe(s) your parents were from and any other information necessary to protect any rights flowing from your relationship to your tribe. You may need a lawyer in order to get this information from the court.

A **Step-parent** is not your natural parent or your adoptive parent. A step-father or step-mother is the person who married your natural mother or natural father and who has not adopted you. This person is not legally required to support you. You are probably required to obey their reasonable authority. This is because your natural mother or father has given them authority to supervise you. **Foster-parents** are people the state, Tribe, or court decides that you will live with temporarily as a result of some problem. Your placement with them will be for a limited period. The placement may have been voluntary on your parents' part because of illness or some other cause, or involuntary as a result of a court order determining you are a dependent child (abused or neglected) or incorrigible.



EDUCATION

YOUR RIGHTS AS A STUDENT

All young persons in Arizona have the right to a free public education from the age 6–21. In Arizona school is compulsory which means you must attend school from age 8–16. You must live in the public school district where you go to school. It is the responsibility of you and your parents or guardian to see to it that you attend school.

The school system does not have to guarantee that you will become educated. They only have to provide you with the means to receive an education. In Arizona, the elementary school you attend must furnish you with free textbooks. However, in high school, you may have to rent or buy your own books. The school board decides which books you use as well as the subjects you study.

To graduate from high school in Arizona, you must meet minimum state requirements and the requirements of your local school district.

BIA BOARDING SCHOOLS

BIA Boarding Schools operate to meet the educational needs of young people who do not have a school near home or who are having problems at home or in their communities. Young people who attend boarding schools usually live in dormitories, with meals and recreational services provided. BIA schools have an obligation to respect the rights of their students. These rights are established under BIA and Federal regulations. (See the Appendix for these Regulations).

School Records—You have two important rights in this area. First, a federal law called the Education Privacy Act protects the privacy of your school records. Your school records may not be released to persons outside the school system without you or your family's permission. Second, under the law, you and your parents have the right to review your school records and to question statements contained in them which you believe are false. Under Arizona law, your parent also has the right to attach a written response to anything in the record you think is wrong.

Discrimination—Discrimination is treating an individual or group of people differently because of their sex, race, national origin or handicap. Discriminating in both public and BIA schools is illegal. For example, school programs such as Shop and P.E. must be made available to both girls and boys. Race discrimination is also illegal, although it exists in many forms. Many discrimination practices go on because it is hard to prove discrimination in an individual case, but if your rights are clearly violated in this way do look for outside help.

SPECIAL EDUCATION

Public and BIA schools in Arizona must provide a special education to exceptional children. This includes students who have a physical, mental or emotional handicap or who are gifted. The law says that every student certified in need of special education in Arizona, including those students attending BIA schools, is entitled to a **free and "appropriate" education**. In other words, an education that fits your individual needs.

You have a RIGHT to obtain appropriate programs and services elsewhere at the school system's expense if the school cannot provide what you need.

You have the RIGHT to be educated as close to home as possible and, to the greatest extent feasible, with non-handicapped children.

You have the RIGHT to review, inspect and copy your school records and to give your permission to anyone of your choosing to see your records.

You have the RIGHT to be notified in advance of any proposed changes in your educational program and to be present at all meetings to review or revise your special educational program.

You have the RIGHT to have anyone, your parents, a friend, a lawyer, attend any meetings with you to assist or represent you.

You have the RIGHT, if you disagree with any part of your special education program, to request an impartial hearing. Your complaint should be put in writing and sent to the superintendent of schools.

If you and your family do not feel your special education placement is right, you can have an evaluation of your special education needs done by an outside professional.

SCHOOL DISCIPLINE

The school has the right to discipline you for violating school rules. You may be ordered to detention, lose privileges, or there may be a meeting with your parents, your teachers or principal. If the violation is serious enough, you can be suspended from school or even expelled. **However, you are entitled to know what the school rules are before you are punished.** And most important, the school must provide you with certain protections—known as **DUE PROCESS** before they subject you to serious discipline. The U.S. Constitution requires that the following procedures take place before a student is suspended or expelled from school:

He/she must be told what they are accused of doing,
He/she must be told what rules they broke,
He/she must be given a chance to tell his/her side of the story
He/she must be told that they have a right to a hearing.

At the hearing, the charges of misconduct will be presented and the student can give his/her side of the story. You have a right to have someone represent you at the hearing and to receive a written decision.

There is one condition under which you may be suspended without first having a hearing. That condition exists when school officials decide that there is an **emergency**. An emergency is when your conduct is **too** disruptive and creates a danger to yourself or others.

Education is very important. Your failure to finish school or a poor school record could create problems later in your life. **Due process** procedures exist to protect you whether you attend a public or a BIA school.

Corporal Punishment—Punishment of the body is called CORPORAL PUNISHMENT. Paddling is the most common form of corporal punishment. The Supreme Court has said that schools can use this form of discipline. Each school board makes its own rules about the use of corporal punishment. These rules will vary from district to district but they must be FAIR. The punishment must be for a specific wrong action; **you cannot be hit just because a teacher or a principal does not like you. The punishment must be REASONABLE and not leave serious marks or badly hurt you.**

If you can show that the punishment was not fair or reasonable, you can ask for a hearing. If you were not guilty of what you were punished for you should ask for a hearing. If the use of corporal punishment is too severe you have a right to seek legal help.

The Bureau of Indian Affairs DOES NOT allow corporal punishment in their schools.

Failure or withholding of diploma as punishment—The school should not punish you by failing you or refusing your diploma for any kind of wrongdoing. These steps should be taken for reasons that relate to your schoolwork. If you are going to be failed or lose your diploma as punishment, you have a right to a hearing.

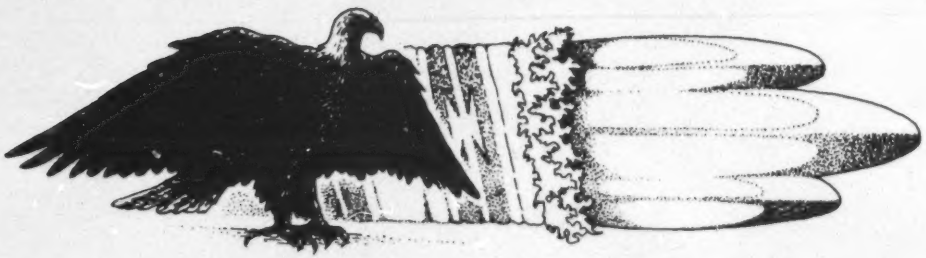
SUSPENSION AND EXPULSION

School officials may suspend you on an **emergency basis** for no more than 10 days without a hearing. But, they must still give you a short informal chance to tell your side of the story. You also have a right to a hearing after the 10 days have passed. If you are being suspended for more than ten days, or expelled, you have the right to ask for:

Written notice of the charges against you,
A hearing with an impartial hearing officer,
The opportunity to present your own side of the story and to present witnesses,
A time to question your accusers,
The right to have a representative speak for you,
A written decision based on the hearing.

If you are in a BIA school you are entitled to a tape or transcript of your hearing.

If the school officials rule against you at the hearing you have the right to **appeal** to a higher authority, such as the principal, superintendent, or school board. In BIA schools you may appeal to the Area Education Office and then to the Director of Indian Education in Washington, D.C. Your final appeal is to the Courts.



YOUR FIRST AMENDMENT RIGHTS

All citizens are protected by the **Constitution** and by the **Bill of Rights** which governs such important matters as freedom of speech, religion, press and association. The Supreme Court has ruled that some of these rights apply to students who attend public school. State and Bureau of Indian Affairs schools must recognize students' constitutional rights because they are funded by the government. This is not true for private schools, such as mission or parochial schools.

Freedom of Speech—You may express your opinions, even if they are unpopular, as long as you do so in a way that is orderly and does not disrupt the school. If what you say or wear such as a button, arm band or T-shirt, is not obscene and does not cause a dangerous situation to occur, you are free to do so. The same is true of hair length, bandanas, religious symbols, or items of Indian heritage. Your right to free speech is governed by reasonable school rules. Freedom of speech also involves something called "symbolic speech." Examples are: the right to refuse to say the pledge of allegiance, sing a school song or stand during the flag salute or national anthem.

Freedom of Press—Student newspapers or newsletters may not be censored as long as they are not obscene, don't ruin someone's reputation, or seriously disrupt the educational setting. In the case of an off-campus alternative or underground newspaper or other publication, school officials cannot punish or discipline the student publishers or writers. School officials cannot automatically ban such publications from the school grounds.

Freedom of Assembly—You have a right to assemble on school grounds. However, if school authorities decide that the assembly of students will lead to a disturbance they can ban the event and discipline the students. The school authorities cannot restrict demonstrations held after school hours off school property.

Freedom of Association—As a student, you have the right to form clubs or other school groups. The only limitation is that the club may not seriously disrupt the school. The school officials may not deny recognition to student groups simply because they support unpopular causes. If the school sponsors student organizations it may not ban groups that are started by students.

Freedom of Religion—All students have the right to practice their religious beliefs and to be free from interference by the federal or state government in their spiritual life. As Native Americans, you have special rights to practice your religious beliefs under the **Native American Religious Freedom Act**.

The Bureau of Indian Affairs has a specific policy that protects a student's religious freedom. For example, a student in residence at a BIA boarding school cannot be prohibited from participating in sweat lodge ceremonies or other Tribal religious activities. However, BIA and public schools **cannot require** religious worship in school.

School Searches—Generally speaking, public school officials have the right to search a locker, a desk or other property **owned** by the school. The situation is different when the school officials want to search the person or property of a student. Then, the officials probably must have **reasonable suspicion** that a crime has been committed or **reasonable cause** to believe that a search is necessary in order to maintain school discipline. BIA Boarding School officials **cannot** search student lockers, drawers, luggage and other personal belongings unless they have **reasonable suspicion** to believe that a crime has been committed.

YOUTH AND THE CRIMINAL JUSTICE SYSTEM

In Arizona and on most reservations, there is a separate court system for most crimes committed by young persons. It is an alternative to adult court. However, if a young person either commits an extremely serious crime or has been repeatedly in trouble over a period of time, he or she may be turned over to the adult court system for prosecution. The term used in juvenile court is **juvenile delinquency**. This means any act which would be a crime if committed by an adult. Juvenile delinquency includes anything from shoplifting and driving while intoxicated to robbery, assault and even murder. In Arizona, once you reach your 18th birthday, you will be referred to an adult court.

Juvenile rights are different from those of an adult. As an example, the U.S. Supreme Court has said that a young person is not entitled to a **jury trial** in juvenile court. Juvenile court cases are heard by a judge alone.

Juvenile court **records are confidential** in Arizona. Juvenile delinquency cases are not open to the public unless the young person agrees. There are certain people who may look at your juvenile record including police officers, certain social workers, members of the court staff, and armed forces personnel. Employers **may not** see your court records.

Once you reach the age of 18, you may apply to the juvenile court to have your record destroyed. If the court decides that you have been rehabilitated it can order the destruction of all records.

If the court determines that you have committed an act of juvenile delinquency, the court will decide what happens to you. The length of your sentence is up to the court, the probation officer and other experts who may be called in to decide. You may be sentenced until your 18th birthday.

WHAT HAPPENS TO A YOUNG PERSON WHO IS ARRESTED?

To be **arrested** means that the tribal police, city police, Department of Public Safety or Federal Bureau of Investigation—are going to charge you with an illegal act (a crime) which they suspect you have committed. If the police arrest you and want to question you, they must tell you what your rights are. The rights they must describe to you are known as **Miranda Warnings**.

The **Miranda Warnings** include:

The right to remain silent,

The right to be told that anything you say after you are arrested may be used against you in court,

The right to an attorney and to know that if you cannot afford an attorney that one will be appointed (often a public defender) free of charge,

The right to stop answering questions at any time.

Temporary Custody—A police officer may take you into custody. You may be released to your parents or guardian or placed in **detention**. In Arizona and on the Reservation, a detention center must be separate from a jail or lock-up where adults are held. You will stay in detention only under the following conditions:

If there is probable cause to believe you committed an act of juvenile delinquency and you will not show up at the court hearing,

You might hurt yourself or someone else,

The rights of the public require it.

You cannot be held in detention for longer than 24 hours (except Saturdays and Sundays) unless the court says so.

You have the right to telephone your parents immediately after you are placed in detention. You have the right to visit with your family while in detention.

Adjustment—This is an informal way in which juvenile delinquency cases are sometimes handled. If someone claims that a young person committed a delinquent act, the juvenile probation officer will investigate to see if the situation should be brought to the attention of the judge. If it isn't serious enough, the complaint may be **adjusted**. Sometimes if a young person admits he/she committed a delinquent act, the juvenile probation officer may refer him or her to an organization for help. But this does not always happen. Adjustment happens in less serious cases. Once a petition is filed, the judge must decide what to do.

HEARINGS

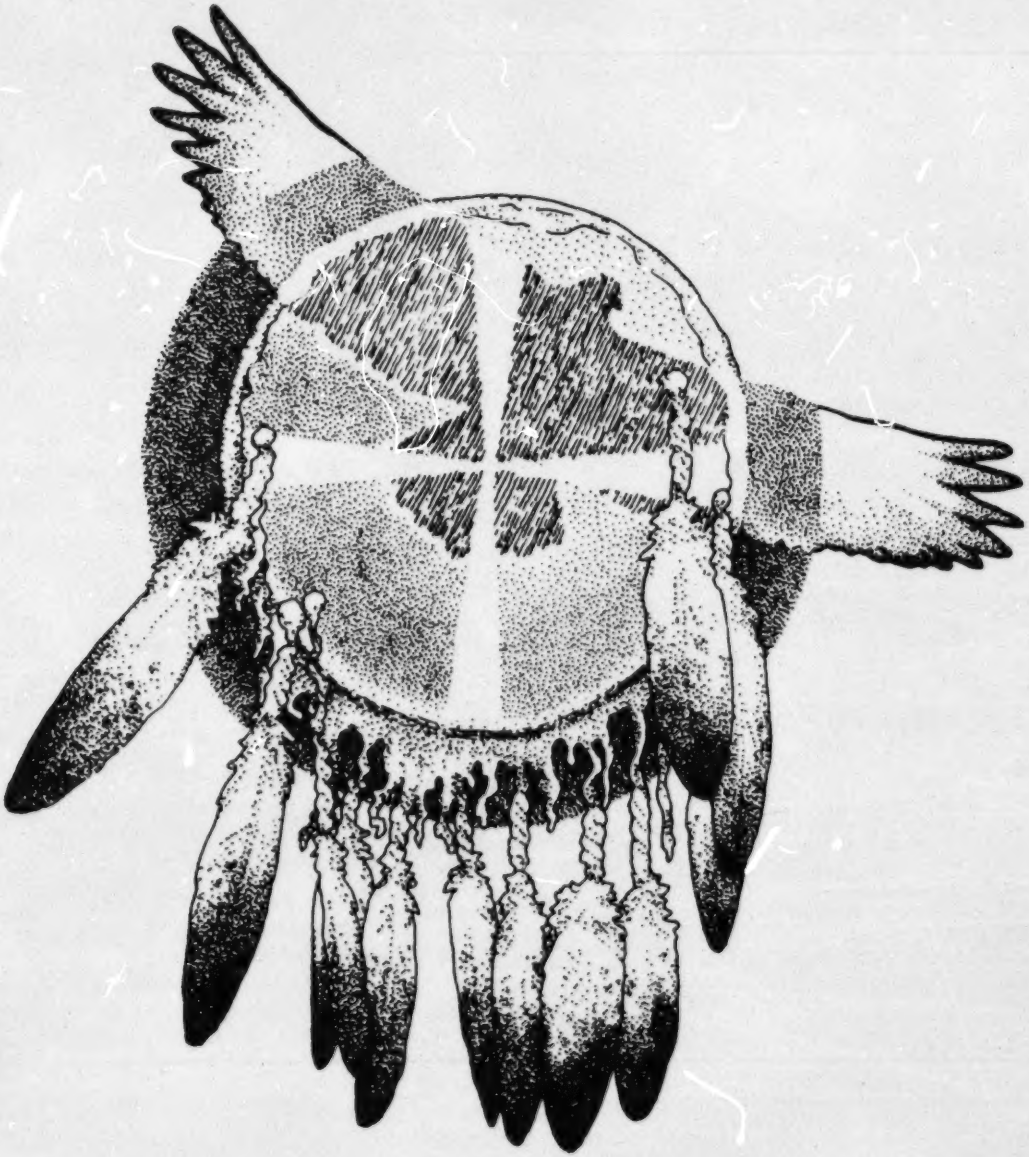
Advisory Hearing—Once the petition is filed, you and your parents or guardian will be notified to come to court. This is like an arraignment in adult court. You will receive a copy of the petition at or before the hearing. When you get to court, the judge will **formally charge you**. He will tell you that you have a right to an attorney and if you cannot afford one, a lawyer will be appointed. You can then ask for an adjournment so your lawyer can prepare your case.

Adjudicatory Hearing—This is the hearing that is like an adult trial. It is held if you **deny** the charges against you. You don't have to testify and the prosecutor has to prove you committed the act of juvenile delinquency you were charged with. Your lawyer will represent you.

Disposition Hearing—If the judge finds that you committed the act, there will be another hearing either just after the advisory hearing, or later. The probation officer will do an investigation. You may then be placed in the care of your parents or guardian, on probation, in an instituton or with the Department of Corrections. You may be required to make **restitution**. This means you will have to pay back the victim either with money or by work. You will be under the jurisdiction of the court until you reach 18.

Appeal—If you believe the court was wrong in its decision in your case, you have the right to appeal. You have a right to a lawyer to handle your appeal. The appeal must begin within 15 days of the juvenile court's final order.

Any criminal offense is a serious matter. Being in trouble with the law can follow you throughout your adult life. If you are in trouble or think you are in trouble seek help from an advocate or a lawyer.



HEALTH CARE

One of your parents' responsibilities is to provide you with adequate medical care. One example would be getting a vaccination to prevent an illness. Arizona requires vaccinations in order to attend school. Your parent must get you medical care if you have a serious illness or problem.

Generally, the consent of your parents is required before a doctor or dentist can treat you. In an emergency requiring surgery to save your life the consent of your parents is not required in order to furnish medical treatment. Your parents do have the right to refuse certain kinds of medical care on religious grounds. They do not have to provide you with medical care if it is not necessary. Tribal officials or state welfare officials may determine that you need medical help even if your parents refuse to give consent.

To get information about birth control, pregnancy, abortion and venereal disease you do not need the consent or approval of your parents.

Birth Control—Contraceptives may be purchased or obtained from clinics without parental authorization. You do not have to be 18 to obtain contraceptive information or devices.

Pregnancy—Pregnancy creates additional responsibilities for young people. A young woman who is pregnant has the legal **right to choose** what to do about the pregnancy. The first step is to talk to someone close to you or someone you can trust. Solutions may be keeping the child and raising it, giving the child up for adoption or terminating the pregnancy. Schools may not discriminate against you or exclude you if you are pregnant.

Abortion—Abortion is legal in Arizona and is available at many clinics and hospitals. You have the legal right to have an abortion if you choose to. However no one can force you to have an abortion. Under a new law one of your parents must be **told** but their **permission is not** required. You can get a court order from the Juvenile Court if you don't want your parents to know about the abortion.

Paternity—Paternity is the right and duty to support and raise a child. If the mother and father are married when the child is conceived or born, it is assumed that the husband is the father and legally responsible for the child. If the father and mother are not married, the father may formally acknowledge **paternity** or the mother may have to go to court in a **Paternity Action** in order to prove who the father is.

Sometimes the mother must go to court to force the child's father to share in supporting the child. She may need an advocate or attorney to help her bring an action for **Child Support**. The father of an unborn child has no say if the mother chooses to get an abortion.

Mental Health—If you have emotional problems, there are people who can help you. You can get help through Mental health centers, churches, counselling services, community service organizations, Tribal and Indian Health Services. Your parents can require you to seek mental health care with a counselor, psychologist or psychiatrist if they feel it is in your best interest. They can also place you in a hospital or residential center without your consent if you are under the age of 14 in order to get treatment.

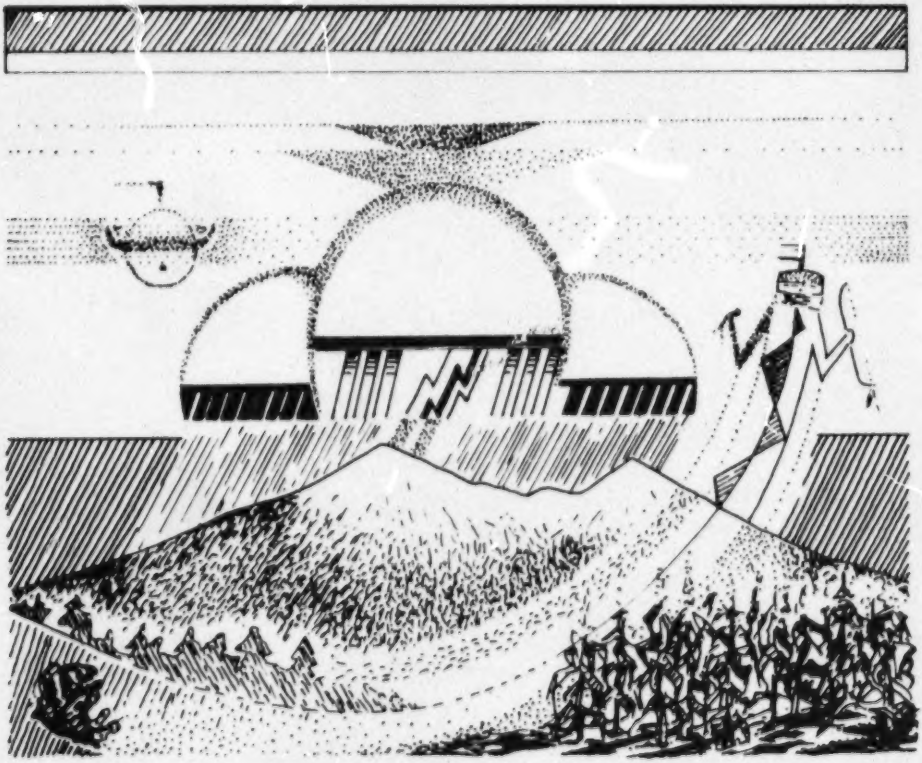
INDIAN HEALTH SERVICES

You can get free medical care at an Indian health services facility, such as a clinic or hospital **if you are eligible.** There are several ways to be **eligible** for "direct services", or care and treatment at an Indian Health Service facility. If you are formally enrolled in your tribe you are eligible. That is one of the reasons it is important to get enrolled in your tribe. You are also eligible for care at an Indian Health Service facility if you come from a family who are members (a descendant) of an Indian tribe or you are a dependent of a member or descendant of a tribe and live in the home of that person. You can show this by an agency certification letter, a statement from the Bureau of Indian Affairs, or a statement from officials of your tribe.

Indian Health Service sometimes pays for medical care which is not provided at an Indian Health Service facility. These services are known as "**contract health services**" or services you get from private doctors or hospitals. In order to have Indian Health Service pay for services you have to be eligible. There are two ways to get contract health services. First, you can show you live on a reservation in a contract health service area. Second, if you don't live on a reservation, you must show that you live in a contract health service delivery area for a reservation, and you are a member of a tribe. Or, even if you're not a member of the tribe of the contract health delivery service area in which you live, you can get service if you show you have close economic and social ties to that tribe. You can also get **contract care** if you are a **student**. If you have problems getting services, you should contact one of the groups listed at the back of this book.

If you have to get **emergency medical care** at a non-Indian Health Service hospital, Indian Health Service will pay the bill if you notify Indian Health Service within **72 hours**. If Indian Health Service refuses to pay for medical services or tells you that you are ineligible for services at Indian Health Service, you can appeal that decision. You may need a lawyer or an advocate to do this.

If you are dissatisfied with the way you are treated by anyone who works for Indian Health Service, you have the right to file a grievance with the hospital.



EMPLOYMENT RIGHTS

Arizona and federal law allow young people to work. The Constitution of the State of Arizona says that children under the age of 14 cannot work during school hours and that all children under 16 are prohibited from certain kinds of work, like mining or dangerous activities. Children under 16 may not work more than 8 hours a day. The reason behind these limitations was the practice many years ago of forcing children to work long hours at very low wages. Many children did not go to school and many were injured on the job.

Minimum Wages—Federal law sets the minimum wage for most jobs. At this time the minimum wage is $3.35 hr. Some employers are not required to pay the minimum wage. Check with a potential employer to see if he is required to pay minimum wage.

Hours of Work—In Arizona, a child under 16 cannot work more than 8 hours a day, or more than 40 hours a week when **not** enrolled in school or when school is **not** in session. When you are enrolled in school or school is in session, and you are under 16, you can only work 3 hours a day, 18 hours a week. If you are under 16, you cannot work at night.

Kinds of Work—There are many kinds of work children under 16 cannot do in Arizona. Some examples are: manufacturing, mining, working for railroads or airlines, warehousing, construction, operating certan kinds of tractors, cutting lumber and handling poisons.

Exceptions to Child Labor Laws—There are certain situations in which the hours and kinds of work limitations do not apply. For example, any boy or girl 10 years of age or older may be employed by his or her parents in agriculture, or family owned business.

Children of any age can be employed in movies, on TV, radio or theatre. Employment laws do not apply if you are in vocational or manual training programs, such as 4-H training or in apprenticeship. Also, your school may give you class credit for certain kinds of work.

Your Wages—Because you are a minor, your parents have a right to your wages. However, it is up to you and your parents to decide what you wish to do with your income.

Worker's Compensation—Worker's compensation is insurance your employer must have to cover you. It provides protection to pay you if you are injured on the job and unable to work. The Arizona Industrial Commission should be contacted if there are any problems regarding your claim.

Unemployment Compensation—If you are fired or laid off through no fault of your own, you can get unemployment benefits. You must be employed full time to be eligible for unemployment compensation and have been employed for a certain number of weeks. Contact your nearest Department of Economic Security office to apply for unemployment benefits.

Social Security—Before going to work, you will need to get a social security card. You can get it at your local employment office or at the post office.

Job Discrimination—It is illegal for an employer to pay males and females different amounts of money for the same work. This is known as **equal pay for equal work**. It is also illegal to deny you jobs or promotions because of your race or ethnic background. Under the Federal Indian Preference Law, the Bureau of Indian Affairs and Indian Health Services are required to fill any vacancies with an Indian person if there is a qualified Indian person applying. Many Native American programs have a policy, which promotes the hiring of Native Americans.

OTHER RIGHTS AND PRIVILEGES

Marriage—A person under 16 years old may not marry without consent of one's parent or guardian and the approval of the Superior Court Judge. A person under 18 cannot marry without consent of their parent or guardian. Tribal laws may be different. Check your tribal code.

Driver's License—You may obtain a driver's license when you are 16 years old after passing a written and driving test. If you are under 18, your parents usually must sign the application with you.

Bicycles—State rules concerning bicycles apply when you are riding on any public road or bicycle path. Only one person can ride on a bicycle at a time. You can't cling to a vehicle. If you ride at night, you must have a light.

Glue Sniffing—Glue sniffing is very dangerous. It can cause permanent mental and physical damage. There are laws restricting the sale of vapor releasing glue or other toxic substances to a person under 18. If you are involved in glue sniffing there are many programs available to help you.

Alcoholic Beverages—In Arizona you must be 19 years of age to purchase alcohol. It is **illegal** for anyone to sell you any kind of alcohol until you reach that age. You are required to show identification if you wish to purchase alcohol.

Gambling—You cannot bet at a race track until you are 18 years old.

Traffic Violations—In state court, traffic violations by minors are usually handled in juvenile court. The court may lecture you, take your driving privileges away, require you to pay a fine, or transfer your case to adult court. On reservations the rules may be different.

Fire Arms—You may not buy a fire arm or ammunition without your parents' permission.

Hunting and Fishing—If you are under 14, you can fish in the State without a license but may take only ½ the limit. If you are under 14, you can hunt in the State without a license but you must do so with an adult. On reservations, the rules may be different.

Tobacco—Under state law you cannot buy tobacco, cigarettes, or cigarette papers until you are 18 years old.

Voting is a right you can exercise when you reach 18.

Registration for the Draft—Federal law requires that young men born in 1963 or after must register for the draft when they reach the age of 18. They must register 30 days before or after their 18th birthday. Contact your local post office for information.

Lawsuits—Lawsuits are brought when someone claims that another person or the government has violated the law or hurt them. However, because you are a minor, an adult must sue on your behalf. You should see a lawyer if you have any questions about a lawsuit.

Obscene Materials—It is illegal to sell to minors certain books, movies and other materials that are considered obscene.

Name Change—If you are over 16, you may file your own application in the superior court of the county where you live to change your name. You must tell the court the reason for the name change.

Curfews—Different towns and cities have different curfews for young people. You should check the curfew time in your community to avoid problems with law enforcement officials.

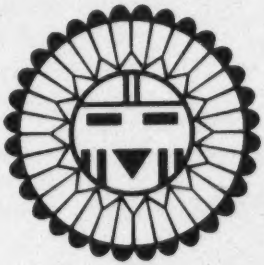
Contracts—Most contracts by young people are not enforceable. If you want to buy a car, you will probably need an adult to co-sign for the loan.

CONCLUSION

We have tried to provide you with information about your rights in areas that affect your everyday life. This handbook is only a guide and we urge you to continue to seek information about your rights from other sources as well. We urge you to claim your rights. If you do not exercise your rights they will have no real meaning for you. Share this information with your friends and relatives. If you know your rights, respect the rights of others and exercise your rights whenever necessary, your lives as individuals and members of a community will be enriched.

IF YOU NEED HELP....

There are many agencies in communities and on reservations throughout the state that serve young people in specific ways. We cannot list them all here but if you contact any of the organizations listed below they should be able to help you or direct you to the right place. If you live on a reservation you can get information through the Tribal office or through Social service or Education Departments.



PHOENIX INDIAN CENTER.
3302 North 7 Street, Phoenix, Arizona 85014, (602) 279-4116

The following services are provided by the Phoenix Indian Center:

The INDIAN YOUTH ADVOCACY PROJECT was established to provide assistance to Indian students in both public and boarding schools. We welcome calls from young people who are having difficulty getting help with a school problem or who think their rights have been violated.

The URBAN INDIAN LAW PROJECT provides legal services to Native Americans. If you think you have a legal problem and need help call this office. The office also provides community education and advocacy services.

EMPLOYMENT SERVICES provides assistance, information and referral, job bank employment counseling, urban orientation, job placement and skill classes. Must be unemployed or underemployed, a Native American and have tribal affiliation.

CHILDREN AND FAMILY SERVICES provides individual and family counseling and casework services to Native Americans residing in Phoenix metro area. Advocacy, urban survival skills, child welfare services, information and referral and crisis intervention are among the services provided.

BEHAVIORAL AND ALCOHOL SERVICES provides alcohol treatment and prevention to Native Americans residing in Phoenix metro area, youth alcohol counseling, mental health counseling.

PHOENIX INDIAN OUTREACH CENTER provides social and family services.
526 East Roosevelt
Phoenix, AZ.
(602) 258-8717

ARIZONA STATE CHILD PROTECTIVE SERVICES was established to prevent neglect, abuse, dependency, and abandonment of children, to protect the children so treated. To strengthen parental capacity and ability for child care. If necessary, children removed to prevent further neglect and abuse while improving parental functioning. Child must be under 18 years of age, neglected, abused, abandoned, exploited, or dependent.
3727 East McDowell
Building G
Phoenix, AZ
(602) 244-8855

CENTER AGAINST SEXUAL ASSAULT (CASA) provides a 24 hour emergency hotline and immediate medical, legal, and counseling support and referrals for victims of rape or sexual abuse and assault. Advocacy and counseling for victims of rape or sexual abuse and their families is also provided.
1131 East Missouri
Phoenix, AZ, 85014
(602) 257-8095 EMERGENCY 24 HOTLINE

TUMBLEWEED provides a residential facility for youth in crisis between the ages of 10-17. They also offer support and counseling up to ten (10) days.
309 West Portland
Phoenix, AZ. 85003
(602) 271-9849

PHOENIX CRISIS INTERVENTION provides the following services:
Alcoholism Prevention—Education and prevention services available for all age groups and provided on request.
1250 South 7th Avenue
Phoenix, AZ. 85007
(602) 258-8011 CRISIS COUNSELING HOTLINE

Status Offender Project—To work with incorrigibles and runaway youth. Crisis intervention, individual and family counseling, follow-up emergency transportation and shelters available.
1250 South 7th Avenue
Phoenix, AZ. 85007
(602) 258-8011 CRISIS COUNSELING HOTLINE

PLANNED PARENTHOOD has established clinics which provide routine pelvic and breast examination with pap, sickle cell, infertility tests and other lab tests. Choice of contraceptive methods. Voluntary sterilization for male and female. Pregnancy testing, counseling, referrals for abortion, adoption, or pre-natal, marriage, family, sexual, and infertility counseling. Services include translators, by appointment.
1301 South 7th Avenue
Phoenix, AZ. 85007
(602) 258-4299 24 HOUR HOTLINE

MARICOPA COUNTY VENEREAL DISEASE CONTROL is a Community clinic with complete up-to-date diagnostic treatment services to all persons in the county. This is the major facility offering complete diagnostic treatment services for venereal disease.
902 North 24th Street
Phoenix, AZ. 85008
(602) 267-0568

PHOENIX INDIAN MEDICAL CENTER provides the following services:
Inpatient Medical Care—To provide acute general hospital care to patients undergoing medical diagnosis and treatment of physical health problems, surgical, obstetrics, etc.

Outpatient Medical Care—To provide services to patients under care of a member of the medical staff on an outpatient basis.

Emergency Medical Care—To provide immediate care and treatment for illness or injuries. Doctor on call at all times.

SOCIAL SERVICES DEPARTMENT—Counseling is available.
Phoenix Indian Medical Center
4212 North 16th Street
Phoenix, AZ 85016
(602) 263-1200

THE BUREAU OF INDIAN AFFAIRS has services available on the agency level in your local community. The following services may be available:

Education and scholarship information, Law Enforcement. Social Services provides services in regards to General Assistance, Foster Home Placement, Maternity Placement and Facility Placement for the handicapped.

Many of the services listed in this handbook are provided by agencies in your local community. Check your local telephone directory or Tribal health and social service agencies.

APPENDIX

25 Code of Federal Regulations, Part 35, Student Rights and Due Process Procedures.

§ 35.1 Purpose.

The regulations in this part govern establishing programs of student rights and due process procedures in Bureau of Indian Affairs schools and in schools that are operating under contract with the Bureau of Indian Affairs.

§ 35.2 Application to Bureau schools.

All Bureau of Indian Affairs schools shall be governed by the regulations set forth in this part and said regulations shall be expressly included as a part of the local school regulations of each Bureau of Indian Affairs school. Upon admission, all students of Bureau of Indian Affairs schools shall be given a copy of the school regulations governing the conduct of students and shall be notified of any amendments thereto.

§ 35.3 Rights of the individual student.

Individual students at Bureau of Indian Affairs schools have, and shall be accorded, the following rights:

(a) The right to an education.

(b) The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy, and to a safe and secure environment.

(c) The right to make his or her own decisions where applicable.

(d) The right to freedom of religion and culture.

(e) The right to freedom of speech and expression, including symbolic expression, such as display of buttons, posters, choice of dress, and length of hair, so long as the symbolic expression does not unreasonably and in fact disrupt the educational process or endanger the health and safety of the student or others.

(f) The right to freedom of the press, except where material in student publications is libelous, slanderous, or obscene.

(g) The right to peaceably assemble and to petition the redress of grievances.

(h) The right to freedom from discrimination.

(i) The right to due process. Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which the student may be subjected to penalties of suspension, expulsion, or transfer.

§ 35.4 Due process.

Due process shall include:

(a) Written notice of charges within a reasonable time prior to a hearing. Notice of the charges shall include reference to the regulation allegedly violated, the facts alleged to constitute the violation, and notice of access to all statements of persons relating to the charge and to those parts of the student's school record which will be considered in rendering a disciplinary decision.

(b) A fair and impartial hearing prior to the imposition of disciplinary action absent the actual existence of an emergency situation seriously and immediately endangering the health or safety of the student or others. In an emergency situation the official may impose disciplinary action not to exceed a temporary suspension, but shall immediately thereafter report in writing the facts (not conclusions) giving rise to the emergency and shall afford the student a hearing which fully comports with due process, as set forth herein, as soon as practicable thereafter.

(c) The right to have present at the hearing the student's parent(s) or guardian(s) (or their designee) and to be represented by lay or legal counsel of the student's choice. Private attorney's fees are to be borne by the student.

(d) The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses.

(e) The right to a record of hearings of disciplinary actions, including written findings of fact and conclusions in all cases of disciplinary action.

(f) The right to administrative review and appeal.

(g) The student shall not be compelled to testify against himself.

(h) The right to have allegations of misconduct and information pertaining thereto expunged from the student's school record in the event the student is found not guilty of the charges.

§ 35.5 Application to schools under Bureau contract.

Non-Bureau of Indian Affairs schools which are funded under contract with the Bureau of Indian Affairs must also recognize these student rights.